



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION  
500 WEST TEMPLE STREET  
LOS ANGELES, CALIFORNIA 90012-2713

TELEPHONE  
(213) 974-1908  
FACSIMILE  
(213) 626-2105  
TDD  
(213) 633-0901

MARK J. SALADINO  
County Counsel

February 4, 2015

TO: PATRICK OGAWA  
Acting Executive Officer  
Board of Supervisors  
  
Attention: Agenda Preparation *new for*

FROM: JENNIFER A.D. LEHMAN  
Assistant County Counsel  
Law Enforcement Services Division

RE: Marguerite Boyd v. County of Los Angeles  
United States District Court Case No. CV 13-00838

Attached is the Agenda entry for the Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation in the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda of February 17, 2015.

JADL

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation: Authorize settlement of the matter entitled Marguerite Boyd v. County of Los Angeles, et al., United States District Court Case No. CV 13-00838 in the amount of \$250,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department Contract Cities Trust Fund's budget.

This lawsuit concerns allegations of excessive force by Sheriff's Deputies.

## **CASE SUMMARY**

### **INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION**

CASE NAME	Marguerite Boyd v. County of Los Angeles, et al.
CASE NUMBER	Case No. CV 13-00838
COURT	United States District Court
DATE FILED	Complaint filed: 2/6/2013
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 250,000
ATTORNEY FOR PLAINTIFF	Law Offices of Garrotto & Garrotto
COUNTY COUNSEL ATTORNEY	Edwin A. Lewis
NATURE OF CASE	<p>Plaintiff Marguerite Boyd alleges that deputies violated her civil rights by using excessive force in the course of her arrest.</p> <p>Defendants deny that plaintiff's civil rights were violated and contend they only used reasonable force to overcome Ms. Boyd's resistance, subdue her, and take her into custody.</p> <p>Due to the risks and uncertainties of the litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a full and final settlement of the case in the amount of \$250,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 30,145
PAID COSTS, TO DATE	\$ 2,969

Case Name: Marguerite Boyd v. County of Los Angeles, et al.



## Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of Incident/event:	Wednesday, April 11, 2012; approximately 3:05 p.m.
Briefly provide a description of the incident/event:	<p><u>Marguerite Boyd County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2014-050</p> <p>On Wednesday, April 11, 2012, at approximately 3:05 p.m., three uniformed Los Angeles County deputy sheriffs, assigned to the Los Angeles County Sheriff's Department's Lancaster Station, drove to 43020 Alep Street in Lancaster, in response to an emergent radio call for service initiated by a man who said his grandmother had threatened to shoot him. The plaintiff (the man's grandmother) was believed to be in possession of a handgun.</p> <p>When the three deputy sheriffs arrived (two deputy sheriffs and one supervisor), the plaintiff exited the residence through the front door. One of the deputy sheriffs instructed the plaintiff to turn around so he could search her for weapons. The plaintiff complied with the deputy sheriff's direction to turn around but began to resist his attempt to search her. A violent struggle ensued, and the deputy sheriff was forced to use physical force to overcome the resistance offered by the plaintiff.</p> <p>The plaintiff was ultimately restrained, handcuffed, and taken into custody. A loaded .38 caliber revolver was found and recovered from the plaintiff's bedroom.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

The root cause in this incident is the plaintiff's resistance to a Los Angeles County deputy sheriff's attempt to search her.

2. Briefly describe recommended corrective actions:  
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.

This incident was investigated by representatives from the Los Angeles County Sheriff's Department's Lancaster Station. Their investigation determined that the force used by the deputy sheriff was objectively reasonable and within the guidelines of the Department's use of force policy. Consequently, no personnel-related administrative action was taken, and no systemic issues were identified.

County of Los Angeles  
Summary Corrective Action Plan

While no employee misconduct is suspected and no systemic issues were identified, several steps were taken to proactively address the issues alleged by the plaintiff.

- On November 25, 2014, the Los Angeles County Sheriff's Department's Risk Management Bureau re-published Los Angeles County Sheriff's Department Manual of Policy and Procedures section 3-10/000.00, *Preamble to the Use of Force Policy*, and 3-10/005.00, *Force Prevention Principles*, to remind members of 1) the fundamental principle to avoid the use of force whenever possible and 2) "...should endeavor to de-escalate confrontations through tactical communications, warnings, and other common sense methods preventing the need to use force whenever reasonably possible."

3. Are the corrective actions addressing department-wide system issues?

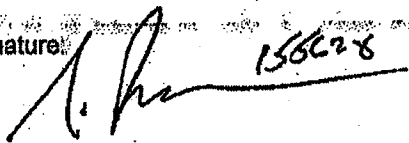
- ☐ Yes – The corrective actions address department-wide system issues.
- ☒ No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department.

Name: (Risk Management Coordinator)

Scott E. Johnson, Captain  
Risk Management Bureau

Signature:

 156628

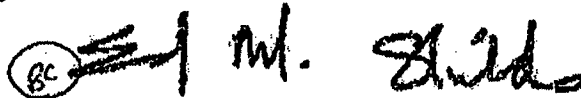
Date:

12-16-14

Name: (Department Head)

Earl M. Shields, Chief  
Professional Standards Division

Signature:

 156628

Date:

12/16/14

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**Chief Executive Office Risk Management Inspector General USE ONLY**

Are the corrective actions applicable to other departments within the County?

- ☐ Yes, the corrective actions potentially have County-wide applicability.  
☒ No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)

Signature:

Date:

*Destiny Castro*  
*Destiny Castro*

*12/16/2014*

**3-10/000.00 PREAMBLE TO THE USE OF FORCE POLICY**

The Los Angeles County Sheriff's Department is committed to the sanctity and preservation of life, human rights, and the dignity of every individual as described in Our Core Values. Department members are sometimes required to use force in self-defense, defense of others, and during the execution of lawful duties. In all situations, Department members are required to conduct themselves in accordance with lawful and constitutional standards.

As leaders on the Sheriff's Department, all members shall view their duties in the context of safety for themselves and others, with an emphasis on respect, professionalism, and reverence for human life, even when force is required.

In cases where Sheriff's Department personnel must take action to conduct lawful duties where there is not necessarily an immediate physical threat, members shall take into account and communicate (where applicable) tactical considerations predicated on preventing the use of force whenever possible.

For planned tactical operations, such as service of warrants, parole compliance searches, tactical cell extractions, and prolonged passive resistance, members shall develop a tactical plan predicated on preventing the use of force whenever possible. Supervisors shall be present during planned tactical operations.

The Sheriff's Department is committed to upholding lawful, professional, and ethical standards through assertive leadership and supervision before, during, and after force incidents. This includes force prevention efforts, effective tactics, dispassionate and objective review, and analysis of every incident.

Revised 07/12/13

Revised 12/19/12 (Implementation January 1, 2013)



**3-10/005.00 FORCE PREVENTION PRINCIPLES**

Department members shall only use that level of force which is objectively reasonable, and force should be used as a last resort. Department members should endeavor to de-escalate confrontations through tactical communication, warnings, and other common sense methods preventing the need to use force whenever reasonably possible.

When force must be used, Deputies and staff shall endeavor to use restraint techniques when possible, and use only that level of force necessary for the situation.

Revised 07/12/13